

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 1506

COMMITTEE: Environmental Matters

POSITION: Oppose

TITLE: Montgomery County – Septic System and Well Easements – Rural Zones

BILL ANALYSIS:

This bill only applies to Montgomery County. The bill would allow a subdivision located in a “Rural Zone” to be served by a septic system or a well located on a contiguous property with an easement. The subdivision may not be on land designated by the County or State as a “special protection area” or “green infrastructure” and the septic system may not be a sand mound. The creation of any additional lots would not be allowed.

It is unclear as to the intent of the bill. “A subdivision” would seem to imply an entire subdivision, while “a septic system” or “a well” would imply one septic system or one well. Given this interpretation the bill would allow entire subdivisions in certain areas to be served by a community septic system or well located on contiguous property as long as the subdivision is not served by a sand mound. The use of the community septic system or well in these areas cannot result in an increase in the number of lots in the subdivision that could have been developed on individual systems. The Annotated Code of Maryland already allows subdivisions to use a community well or septic system, provided the area served by the septic system or well is delineated in the county water and sewer plan. All community septic systems and wells must also be included in the water and sewer plan. Any well with over 15 connections or serving more than 25 people would be considered a public water supply. This bill puts limits on the use of community septic systems and wells in Montgomery County beyond those currently existing in the Annotated Code.

Another less literal interpretation of the bill would allow multiple septic systems or wells located on easements contiguous to the subdivision to serve multiple lots in the subdivision.

POSITION AND RATIONALE:

MDE opposes HB 1506. This bill is unclear as to intent and impact. The bill, if interpreted only to allow subdivisions in certain areas to be served by a community septic system or well, is unnecessary and limits local land use planning options. The use of community sewage disposal systems and community wells is adequately controlled through existing statute. When compared to existing statute this bill is restrictive rather than enabling. Use of sand mound systems would not be allowed; even though sand mounds better protect the environment and public health in many circumstances. Local authorities can already control the use of community systems through

the county water and sewer plan. Areas served by community systems and points of water withdrawal and wastewater discharge must be identified in the water and sewer plan.

The bill, if interpreted to allow multiple septic systems or wells located on easements contiguous to the subdivision to serve multiple lots in the subdivision, would create subdivisions where septic system installations and repairs would be difficult to regulate and enforce. It would be difficult to identify which easement should be attributed to which septic system and ingress and egress to necessitate system repairs and installation may be limited or problematic.

FOR MORE INFORMATION,
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